



# PUBLIC NOTICE

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## **WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES CELLULAR ADVANCED MOBILE PHONE SERVICE REPORT AND FILING REQUIREMENTS**

### **Reports due February 19, 2007**

Pursuant to the *AMPS Sunset Order*, the Wireless Telecommunications Bureau (Bureau) hereby specifies the content and filing requirements for the Advanced Mobile Phone Service (AMPS) reports that the two 800 MHz Cellular Radiotelephone Service (Cellular) nationwide service providers—*i.e.*, Cingular Wireless and Verizon Wireless—must file by February 19, 2007.<sup>1</sup>

### **BACKGROUND**

In 2002, the Commission concluded that it was unnecessary to continue indefinitely the requirement in Section 22.901(b), that cellular licensees provide analog service to subscribers and roamers whose mobile equipment conforms to the AMPS standard.<sup>2</sup> The Commission found that the AMPS requirement had substantially achieved the Commission's original goals of ensuring public access to nationwide service (roaming), and low-cost handsets.<sup>3</sup> The Commission, however, adopted a 5-year transition period ending

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<sup>1</sup> See Year 2000 Biennial Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Docket No. 01-108, *Report and Order*, 17 FCC Rcd 18401, 18419 ¶¶31-32 (2002) (*AMPS Sunset Order*), *Order on Reconsideration*, 19 FCC Rcd 3239 (2004).

<sup>2</sup> See 47 C.F.R. § 22.901(b). Section 22.901(b) provides:

Until February 18, 2008, each cellular system that provides two-way cellular mobile radiotelephone service must—

(1) Maintain the capability to provide compatible analog service ("AMPS") to cellular telephones designed in conformance with the specifications contained in sections 1 and 2 of the standard document ANSI TIA/EIA-553-A-1999 Mobile Station--Base Station Compatibility Standard (approved October 14, 1999); or, the corresponding portions, applicable to mobile stations, of whichever of the predecessor standard documents was in effect at the time of the manufacture of the telephone. . . .

(2) Provide AMPS, upon request, to subscribers and roamers using such cellular telephones while such subscribers are located in any portion of the cellular system's CGSA where facilities have been constructed and service to subscribers has commenced. . . .

<sup>3</sup> See *AMPS Sunset Order*, 17 FCC Rcd at 18406 ¶8, and 18409-18412 ¶¶13-17 (2002).

on the fifth anniversary of the effective date of the *AMPS Sunset Order* (i.e., February 18, 2008, the “analog sunset date”),<sup>4</sup> principally to facilitate the migration of deaf and hard of hearing and emergency-only users from analog to digital handsets.<sup>5</sup> The Commission sought “to monitor the progress made by the wireless and hearing aid industries in developing solutions, and to ensure that wireless services are continuing to be made available to persons with hearing disabilities as well as 911-only consumers,” and therefore required nationwide cellular service providers to file progress reports at the beginning of the third and fourth years of the sunset period.<sup>6</sup> When establishing this reporting requirement, the Commission emphasized that “information contained in the reports will be used to determine whether or not the Commission will initiate a proceeding to extend the sunset date or take appropriate enforcement action under section 255.”<sup>7</sup> In this regard, we note that the Bureau recently requested comment on a petition for rulemaking to extend the analog sunset date until February 18, 2010.<sup>8</sup>

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In view of the foregoing and pursuant to the *AMPS Sunset Order*, the Bureau finds that the public interest will be served by provision of the following information:

**Availability of Hearing Aid-Compatible and Emergency-Only Handsets.** The service provider should provide a detailed accounting of the current availability of hearing aid-compatible (HAC) and emergency-only handsets for use on its analog and digital network(s), including the number of HAC handset models offered to consumers, the rating and FCC identification number of each model, and the retail availability of each model for the most recent month that such data is available.

The service provider should also demonstrate compliance with the Hearing Aid Compatibility Act of 1988, Section 255 of the Communications Act, and the Commission’s hearing aid compatibility requirements.<sup>9</sup>

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<sup>4</sup> On December 20, 2006, the Bureau released a public notice, seeking comment on a petition for rulemaking to extend the analog sunset date until February 18, 2010. See “Wireless Telecommunications Bureau Seeks Comment On Petition For Rulemaking To Extend Cellular Analog Sunset Date,” *Public Notice*, DA 06-2599, 2006 Westlaw 3751106 (F.C.C.) (WTB rel. Dec. 20, 2006). Comments in that proceeding, RM No. 11355, were due January 19, 2007, and reply comments are due February 6, 2007.

<sup>5</sup> *AMPS Sunset Order* at 18406 ¶8, and 18414-18419 ¶¶22-30. Chairman, then Commissioner, Martin separately stated the “Order makes clear that—even after the five-year period—the Commission will not eliminate the analog requirement if hearing-aid compatible digital devices are still not available. This latter point was fundamental to my support of the item.” *Id.* at 18466 (emphasis added). Chairman Martin also stated that “[u]ltimately, however, the Commission must ensure the availability of digital phones that are compatible with hearing aids and cochlear implants. Fixing the digital compatibility problem, rather than relegating the hearing disabled to analog phones is the real solution.” *Id.* at 18466-18467.

<sup>6</sup> *Id.* at 18419 ¶¶31-32. Upon release of the *AMPS Sunset Order*, there were three nationwide cellular service providers subject to the AMPS requirement, AT&T Wireless, Cingular Wireless, and Verizon Wireless. AT&T Wireless subsequently merged with Cingular Wireless.

<sup>7</sup> *Id.* at ¶32.

<sup>8</sup> See *supra* note 4.

<sup>9</sup> See 47 C.F.R. § 20.19 (hearing aid-compatible mobile handsets). Filers may incorporate by reference information previously provided to the Commission pursuant to reporting requirements set out in the *Hearing Aid Compatibility Order*, in which the Commission required wireless carriers and handset manufacturers to report on compliance efforts regarding various benchmarks for handset compatibility every six months from 2004 through 2006, and then annually in 2007 and 2008. Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible

**AMPS Usage.** The service provider should provide a detailed accounting of current AMPS usage on its network, for the most recent month that such data is available, including the number of: (1) AMPS subscribers; (2) emergency-only AMPS subscribers; (3) AMPS subscribers using relatively high-powered phones, such as bag or car phones; (4) alarm monitoring systems using the provider's AMPS network; and (5) AMPS minutes-of-use.

**AMPS Discontinuance.** If a service provider intends to discontinue AMPS service in any cellular market area (CMA), it should identify each such CMA, its schedule for discontinuing AMPS therein, and whether digital service will be available when AMPS is scheduled to be discontinued therein.<sup>10</sup>

If a service provider intends to discontinue the provision of AMPS service, it must certify that there are hearing aid-compatible digital devices available to persons with hearing disabilities, and describe the extent to which, by February 18, 2008, digital equipment will be available to persons with hearing disabilities in each CMA where it intends to discontinue AMPS service.<sup>11</sup> The service provider should also identify each CMA where there currently is any service available to the deaf or hard of hearing via AMPS service that would not be available via digital service.

If a service provider intends to discontinue the provision of AMPS service, it should provide its plans for locating and notifying AMPS subscribers and notifying the general public of the discontinuance of AMPS service, including specific time frames and notification methods (*e.g.*, billings inserts, media statements).<sup>12</sup>

## FILING AND ACCESSING REPORTS AND COMMENTS

Pursuant to the *AMPS Sunset Order*, the Bureau “will make these Reports publicly available to all interested parties who may file supplemental information as appropriate to ensure that the Commission has a full record.”<sup>13</sup> We also note that in the *AMPS Sunset Order*, the Commission stated that “other interested parties will be able to file reports or comments as appropriate, and we encourage joint efforts (*e.g.*, the TTY forum).”<sup>14</sup>

To file a report or comments, go to: <[http:// wireless.fcc.gov/services/cellular](http://wireless.fcc.gov/services/cellular)> and click on "file reports" under the Analog Cellular Status Reports section of the page. On that page, click on the "Report Filing" link. Enter the filer name the filer entity/company (if any), and the filer's email address. To attach a

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Telephones, WT Docket No. 01-309, *Report and Order*, 18 FCC Rcd 16753, 16787 (2003) (*Hearing Aid Compatibility Order*); *see also* “Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Manufacturers,” WT Docket No. 01-309, *Public Notice*, 19 FCC Rcd 4097 (WTB 2004).

<sup>10</sup> *See AMPS Sunset Order* at 18419 ¶31 (“reports must inform the Commission whether each carrier intends to discontinue analog service, identify the markets in which it plans to discontinue analog service, and for how long it plans to continue analog service and in which markets”).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* (a service provider “may also be required to describe their plan for informing its subscribers, the public and other interested parties regarding plans to discontinue analog service”)

<sup>13</sup> *Id.* at ¶32.

<sup>14</sup> *Id.* at ¶31.

report or comments, click on the “Add Attachments” link. The Attach File(s) screen will appear. Attachments may be submitted in Microsoft Word, Excel, or Adobe PDF formats. Click on the “Browse” button to select the applicable file, and then click on the “Attach” button to upload the attachment(s). If multiple files are being submitted, each file must be selected and attached separately. After all attachments have been uploaded, select “Return to Main Form.” On the main Analog Cellular Status Reports Submission page, click “Submit Report” to finish the filing process. The system will generate a confirmation page for your records.

Reports and comments will be available to the public within 10 business days after filing with the Bureau and may be accessed at: <[http:// wireless.fcc.gov/services/cellular/](http://wireless.fcc.gov/services/cellular/)>. The reports and comments can be searched and sorted by the name of the filer or by the date filed. You may also choose to “view all reports.” The system will display the search results on the Analog Cellular Status Reports page by filer entity/company if such information was provided or by the first and last names of the individual filing if an entity/company name was not identified.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to [access@fcc.gov](mailto:access@fcc.gov).

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Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.